



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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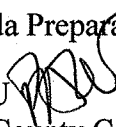
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February 4, 2015

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TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Estate of Arturo Cabrales, et al. v. County of Los Angeles
United States District Court Case No. CV 13-01370

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Estate of Arturo Cabrales, et al. v. County of Los Angeles United States District Court Case No. CV 13-01370, in the amount of \$1,500,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of a wrongful death which occurred during an investigation conducted by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Estate of Arturo Cabrales, et al. v. County of Los Angeles
CASE NUMBER	CV 13-01370
COURT	United States District Court
DATE FILED	3/4/2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT \$	1,500,000.
ATTORNEY FOR PLAINTIFF	Andrew L. Ellis
COUNTY COUNSEL ATTORNEY	Edwin A. Lewis
NATURE OF CASE	<p>Plaintiffs JFC, a minor, by and through his Guardian Ad Litem, Mariella Sanchez and Janet Ramos Laris filed this federal civil rights lawsuit against the County of Los Angeles, the Sheriff's Department, and various Sheriff's Department personnel for the wrongful death of Arturo Cabrales. The involved Deputies claim their actions were reasonable under the circumstances.</p> <p>Due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$1,500,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 78,005
PAID COSTS, TO DATE	\$ 17,415



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Wednesday, March 7, 2012; approximately 2:49 p.m.
Briefly provide a description of the incident/event:	<p><u>Estate of Arturo Cabrales, et al. v. County of Los Angeles</u> Summary Corrective Action Plan No. 2014-038</p> <p>On Wednesday, March 7, 2012, at approximately 2:49 p.m., three uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Gang Enforcement Team, were driving a standard black and white, Los Angeles County-owned patrol vehicle and attempted to detain the decedent along with two companions for drinking in public. The two companions immediately cooperated with the deputy sheriffs, whereas the decedent was immediately uncooperative and hostile.</p> <p>While the Los Angeles County deputy sheriffs were conducting their investigation, the decedent, who had remained within the curtilage of his residence, denied the deputy sheriffs access to the property by attempting to close the sliding gate in the fence encircling the residence. When one of the deputy sheriffs entered the open gate to detain him, the decedent retreated further into the curtilage of the residence. As the deputy sheriff approached the decedent, the decedent withdrew a firearm concealed upon his person. The deputy sheriff discharged his weapon at the decedent, striking him in the torso.</p> <p>He was pronounced dead at the scene.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident is an allegation a member of the Los Angeles County Sheriff's Department violated the decedent's private curtilage.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau. The results of their investigation were presented to representatives

from the Los Angeles County District Attorney's Office. On September 18, 2012, the office of the Los Angeles County District Attorney concluded that the deputy sheriff acted lawfully in self-defense.

The incident also was investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On August 8, 2013, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee concluded the physical force used against the decedent was reasonable and justified.

While the force used by the deputy sheriff was reasonable and justified, appropriate administrative action was imposed upon one member of the Los Angeles County Sheriff's Department.

On October 24, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau published Field Operations Support Services Newsletter 14-23, *Legal Standing Upon the Curtilage of Residences*, designed to remind and educate members of both current laws and current case law pertaining to enforcement action in and/or upon the curtilage of residences.

3. Are the corrective actions addressing department-wide system issues?

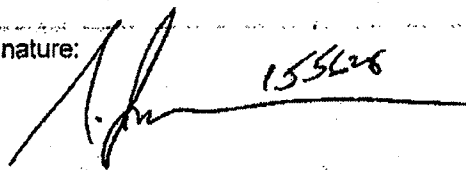
- ☐ Yes – The corrective actions address department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



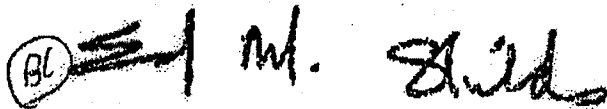
Date:

12-18-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

12/22/14

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Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.
☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Signature:

Date:

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12/22/2014